

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRANCISCO MENDOZA-TORRES

Plaintiff,

v.

NO. CV 08-442 JH/CEG

UNITED STATES OF AMERICA

Defendant.

and

UNITED STATES OF AMERICA,

Plaintiff,

v.

NO. CR 06-045 JH

FRANCISCO MENDOZA-TORRES,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Amended Proposed Findings and Recommended Disposition on August 15, 2008 (Doc. 9). The proposed findings notify Mendoza-Torres of his ability to file objections and that failure to do so waives appellate review. To date, Mendoza-Torres has not filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Amended Proposed Findings and Recommended

Disposition (Doc. 9) are adopted;

- 2) Defendant's § 2255 reduction in sentence claim is denied with prejudice;
- 3) Defendant's § 2241 equal protection claim is denied without prejudice; and
- 4) this civil proceeding is dismissed with prejudice.


UNITED STATES DISTRICT JUDGE